



**Before the
Common Carrier Bureau of the
Federal Communications Commission**

In the Matter of)	
)	
Petition for Declaratory Ruling and)	
Request for Expedited Action on)	NSD File No. L-97-42
July 15, 1997 Order of the Pennsylvania)	
Public Utility Commission Regarding)	
Area Codes 412, 610, 215 and 717)	
)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications)	CC Docket No. 96-98
Act of 1996)	
)	

**MAINE PUBLIC UTILITIES COMMISSION'S
PETITION FOR ADDITIONAL DELEGATED
AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES**

Pursuant to Paragraphs 30 and 31 of the Federal Communications Commission's September 28, 1999 Memorandum Opinion and Order and Order on Reconsideration (Order) in the above-captioned matter, the Maine Public Utilities Commission (MPUC) respectfully requests that the Common Carrier Bureau delegate to the MPUC authority to: (1) establish number assignment and utilization standards; (2) order interim unassigned number porting; and (3) order thousand-block pooling.

I. BACKGROUND

In June of 1998, the North American Numbering Plan Administration (NANPA) informed the MPUC that the 207 area code would exhaust in June of 2000 and that it was necessary to begin the process of implementing a new area code. In August of

1998, the MPUC opened an Investigation Into Area Code Relief Activities, Docket No. 98-624, to explore number conservation measures and the need to implement a new area code. Through the discovery process, the MPUC has determined that:

- There are currently 5.7 million unused numbers within the 207 area code.
- More than 3 million of the 5.7 unused numbers are within central office codes that have already been assigned.
- The utilization rate for numbers within assigned central office codes in Maine is approximately 40%.

There is no shortage of numbers in Maine. The problem lies in the inefficient administration of numbering resources. Indeed, the situation in Maine illustrates the problems with the current numbering administration scheme: (1) CLECs must acquire a block of 10,000 numbers to serve each rate center, despite the fact that there may be as few as 20 working lines in that rate center; (2) carriers are not required to participate in code conservation measures; and (3) there are no limits on carriers' abilities to acquire and use numbers.

The economical and societal costs of a new area code are significant, especially for small businesses and the average consumer. In Maine, tourism is one of the most important industries in the state and includes a large number of small businesses. The costs of reprinting thousands of brochures and re-educating consumers regarding a change in phone numbers would seriously impact these small businesses. In addition, Maine consumers have already indicated their strong preference for 7-digit dialing, a practice which will be eliminated if an overlay is adopted.¹ The MPUC believes that it

¹ In 1994, the MPUC ordered 11 digit dialing as part of the Interchangeable Numbering Plan Area Code structure adopted by the FCC. After a flurry of communications from discontented customers, on March 7, 1995, the MPUC granted

may be able to avoid imposing these costs on consumers through a combination of number conservation measures and existing pooling and porting technology, without negatively impacting the development of competition in Maine.²

II. NUMBER ASSIGNMENT AND UTILIZATION STANDARDS

The current numbering administration policies allow carriers to:

- Obtain numbers without demonstrating an actual need for the numbers.
- Obtain numbers even though they may have sufficient numbers within codes already assigned to them.
- Obtain numbers even though they are resellers who do not require numbers to provide service.
- Retain numbers even though they do not put them into use within 6 months as required under the Central Office Code Administration Guidelines (Guidelines) or otherwise in violation of the Guidelines.
- Use numbers to provide services prohibited by state law.

The problem is twofold. First, the North American Numbering Plan Administrator (NANPA) has little, if any, authority or ability to monitor and enforce compliance with the Guidelines. As an example, the Guidelines require that NANPA provide codes only to carriers authorized to provide service in a particular rate center. In addition, it is commonly understood that only facilities-based carriers, and not resellers, need NXXs.

NYNEX's request for reconsideration of that order and instead adopted 7 digit dialing. In its Order, the MPUC noted the overwhelming consumer support for 7 digit dialing and the equally overwhelming dissatisfaction with 11 digit dialing.

² Indeed, Maine is moving aggressively to promote competition, having ordered sharp reductions in intraLATA access charges, implementing intraLATA presubscription for the vast majority of Maine subscribers 18 months ago, and recently having ordered that additional UNEs be made available to CLECs.

Here in Maine, however, we know of at least 14 codes which have been given out since August to carriers who are not fully-authorized to provide service. Further, we also are aware of carriers who will be operating as resellers in the near term who have requested codes.³

The second problem is that the Guidelines themselves are insufficient because they do not limit carriers' abilities to acquire and utilize numbers. The Guidelines set up a *voluntary* system based upon *unverified* certifications by carriers that they need a code or are properly using it. Recovering improperly requested or utilized codes is a very lengthy process, and NANPA has no authority to order the code to be returned.⁴ There are no fill rates or other objective criteria to provide specific guidance to NANPA on whether to grant a code request nor are there any penalties for code holders who do not comply with the Guidelines.

While the MPUC recognizes that efforts are underway at the national level to address some of the issues discussed above, immediate action is necessary at the state level to protect consumers from unnecessary expense and confusion. The MPUC is in the best position to evaluate the specific circumstances in Maine and establish competitively-neutral criteria for the acquisition and utilization of numbering resources until the FCC promulgates specific requirements. Thus, the MPUC requests that the Common Carrier Bureau delegate authority to the MPUC to:

³ NANPA has recently agreed to notify the MPUC of all code requests so that the MPUC can, at a minimum, confirm that the carrier is authorized to provide service. However, it is unclear how a dispute concerning whether a carrier was facilities-based or reselling would be handled.

⁴ The MPUC is currently investigating allegations that a carrier requested (and obtained) 50 central office codes for no apparent purpose other than to establish a statewide foreign-exchange calling system which avoids intraLATA toll charges.

- (1) Establish fill rates that must be met before a carrier may acquire an additional code in a rate center where it already has a code.
- (2) Establish needs-based criteria for the acquisition of codes such as:
 - Requiring a carrier to make a showing that it has (or will have within 6 months) the necessary facilities to serve a particular rate center before a code is assigned.
 - Requiring carriers to utilize other code conservation measures to provide service in rate centers where the carrier will serve minimal numbers of customers in that rate center (see Section III below regarding Unassigned Number Porting).
- (3) Reclaim codes which have been acquired in violation of the Guidelines and any other applicable rules or regulations.
- (4) Reclaim codes which are being used to provide service in violation of state law.
- (5) Reclaim test codes and codes which have not been put in service within the time provided by the Guidelines and other protocols or policies established by the MPUC.
- (6) Reclaim codes acquired by carriers certifying that they would be facilities-based carriers but who have failed to establish facilities within the appropriate time frame.
- (7) Establish mandatory number utilization reporting requirements.
- (8) Establish procedures to audit carrier utilization reports.

Each of the above measures is necessary to ensure that Maine consumers are not unnecessarily subjected to a new area code as well as to ensure that sufficient numbering resources are available to all carriers actually providing facilities-based services within a specific rate center.

By granting the MPUC the authority to establish and enforce these number assignment and utilization standards, the Common Carrier Bureau does not risk the creation of conflicting standards or conflicting enforcement; at the present time, no

entity is performing these functions. If the MPUC is not given authority, nothing will be done, numbering resources will continue to be squandered, and consumers will bear the brunt of the FCC's failure to address this situation.

The MPUC believes that none of the above measures conflict with the policy objectives of Congress, the FCC, or the current Guidelines; the measures are not anti-competitive nor do they favor one type of provider over another. In essence, the proposed measures make many of the policies already contained in the Guidelines mandatory -- a step which should not disturb the industry that drafted the Guidelines in the first place.

III. INTERIM UNASSIGNED NUMBER PORTING

As mentioned earlier, within the 207 area code there are more than 3 million unassigned numbers within central office codes already assigned to carriers. In addition, Maine is a rural state (as large in geographic area as the other five New England states combined) with more than 220 rate centers,⁵ many of which have less than a thousand lines (one has as few as 20). CLECs wishing to serve customers in these small rate centers do not need 10,000 numbers. Further, the MPUC anticipates that during the early stages of the local competition (Maine only has one facilities-based CLEC at this time), the majority of a CLEC's customers will be existing ILEC customers that will be ported over to the CLEC through LNP and thus will not

⁵ The MPUC plans to open an inquiry into rate center consolidation in the near future. The Common Carrier Bureau should understand, however, that this large number of rate centers was created in order to keep local rates affordable by effectively shifting costs to the toll market. (Maine is a high cost state and receives very little federal universal service support.)

require the assignment of a new number. Accordingly, while a CLEC may acquire 1000 customers in a given NXX, perhaps only as few as 5 will require a new number. In such a situation, it would make more sense to port 5 numbers from an NXX already assigned to the rate center rather than assign the CLEC an entire NXX and waste 9995 numbers.

Thousand block and individual number pooling will provide solutions to these problems when they are implemented. Until that time, however, scarce numbering resources will be squandered. Thus, the MPUC requests authority to order all LNP-compliant carriers to provide unassigned number porting, or a functional equivalent to unassigned number porting, during the interim period. The MPUC does not anticipate that it will be necessary to use this measure for all CLEC numbering needs, but it will be useful in addressing situations where a CLEC has very limited numbering needs in a particular rate center.⁶

⁶ Interim unassigned number porting, and functional equivalents, both allow CLECs to use numbers from NXXs currently used by ILECs. This is pro-competitive, because it allows CLECs to avoid the confusion of introducing a new NXX into a local area.

IV. THOUSAND BLOCK POOLING

The MPUC also requests authority to order the implementation of thousand block pooling in Maine if the FCC does not issue such an order (or an order requiring individual number pooling) by December 31, 1999. The technology necessary for thousand block pooling is available today; thousand block pooling is already occurring in Illinois and New York. The citizens of Maine should not be required to wait years for the relief associated with pooling when the technology already exists. Nor should carriers be required to provide interim unassigned number porting on a long-term basis when pooling is technically feasible. Finally, allowing pooling in a state like Maine, which is very different from New York and Illinois in that it does not have even one major metropolitan area, will provide the Commission and the industry with additional information and data on the viability of pooling as a conservation measure.

The MPUC recognizes that national pooling protocols would be optimal and will work with the Commission to further this goal. However, given the lack of rapid movement at the national level, the MPUC requests the flexibility to move forward with pooling if it appears that efforts at the national level are stalled.

IV. CONCLUSION

In conclusion, the MPUC respectfully requests that the Common Carrier Bureau delegate to the MPUC authority to: (1) establish number assignment and utilization standards; (2) order interim unassigned number porting; and (3) order thousand block pooling.

Respectfully submitted,

MAINE PUBLIC UTILITIES COMMISSION

Trina M. Bragdon
Staff Attorney

Dated: March 17, 1999